

1 COMMUNITY INPUT MEETING *

2 VILLAGE AT FOREST LAKES *

3 SUBDIVISION/SITE PLAN *

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9 The above captioned Community Input Meeting

10 was held on Thursday, May 7, 2009, at The Knights of

11 Columbus Hall, 23 Newport Drive, Forest Hill, Maryland

12 21050, at 6:12 p.m.

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20 Reported by:

21 Sandra A. Judd

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1 APPEARANCES:

2 JOSEPH F. SNEE, JR., ESQUIRE

3 Law Offices of Gessner, Snee, Mahoney

4 & Lutche, P.A.

5 11 South Main Street

6 Bel Air, Maryland 21014

7 On behalf of Freedom Federal Credit Union

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14 ALSO PRESENT: Kevin L. Small, Project Planner,

15 Frederick Ward Associates

16 Torrence M. Pierce, Project Engineer,

17 Frederick Ward Associates

18 Rose Ann Lambert,

19 Chief Executive Officer,

20 Freedom Federal Credit Union

21 Suzanne Turner, Legal Assistant,

Gessner, Snee, Mahoney & Lutche

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1 PROCEEDINGS

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3 MR. SNEE: Good evening, everyone.

4 My name is Joseph Snee of Gessner, Snee,

5 Mahoney and Lutche, 11 South Main Street, Bel Air,

6 21014. I am the attorney for the project that will be

7 discussed tonight. If you require any further

8 information, feel free to call me. My telephone number

9 is (410) 893-7500. And I'll be happy to give you a

10 card on your way out. With me also is my Legal

11 Assistant, Sue Turner, and Sue is also available at the

12 same number to answer any questions.

13 Tonight, too, we have from -- our

14 Consulting Engineers, Mr. Tory Pierce and Mr. Kevin

15 Small, and they are with Frederick Ward Associates,

16 also on Main Street right next to my office.

17 And we're also delighted to have Rose Ann

18 Lambert with us. She is the C.E.O. of Freedom Federal

19 Credit Union, the prospective tenant for Lot 3 which

20 we'll be discussing in a minute.

21 Pursuant to law the developer is required

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1 to stage a Community Input Meeting, and that is the

2 purpose of tonight, to allow input from the community

3 with respect to the site plan and the subdivision plan

4 that will be discussed.

5 I'd like the record to reflect that all

6 adjoining property owners per the State Department of

7 Assessments and Taxation were duly notified on or about

8 April 14th as required by law. The Department of

9 Planning & Zoning at Harford County was also notified

10 by hand-delivered letter on April 14th, 2009. And the

11 County Council was also notified by letter -- of

12 tonight's Community Input Meeting by letter of

13 April 14th, 2009.

14 In addition, the law requires us at least

15 two weeks prior to the scheduled meeting to post signs.

16 One was posted at the corner of Osborne and 24. One

17 was posted along 24 at the proposed location of

18 Freedom Federal Credit Union, and those were originally

19 posted on or about April 17th, 2009 and they were

20 re-posted approximately one week later because they

21 were taken down.

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1 Another subsection also requires us to
2 advertise the Community Input Meeting in The Aegis and
3 in The Record four consecutive weeks prior to the
4 Hearing. And the notices were published in The Aegis
5 on Wednesday, April the 8th and April the 15th, and
6 The Record on Friday, April 10th and April 17th.

7 The purpose of the Community Meeting is for
8 the developer to provide information to the community
9 regarding the proposed development and to allow
10 citizens to ask questions and to make comments and
11 suggestions. So, what I'd like to do is have Mr. Kevin
12 Small come forward. He will briefly describe both the
13 subdivision plan and the site plan and then will be
14 happy to turn it over to you for any comments,
15 questions, or suggestions.

16 We do have a court reporter here tonight
17 that will take down everything verbatim. A transcript
18 will be made available. And that will be part of the
19 Community Input Meeting packets that we need to turn in
20 to the Department of Planning & Zoning prior to the
21 next step which is our submission to DAC or the

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1 Development Advisory Committee which will be sometime
2 after tonight's Community Input Meeting.

3 If you do have any comments or questions
4 the court reporter has asked me, if you would, to come
5 and stand here in this vicinity because we are being
6 recorded in addition to the stenography, and state your
7 full name and your address. And then we'll be happy to
8 address any comments or questions you may have.

9 So Kevin, I'll turn it over to you.

10 MR. SMALL: All right. If you -- if --
11 some of you may have been to other meetings associated
12 with the Kohl's development. Just to kind of orient
13 you, this (pointing) is Osborne Parkway, Rock Spring
14 Road is here (pointing), and Forest Lakes is behind the
15 elementary school located here (pointing).

16 When Kohl's went in the first time, it was
17 a site plan for the whole ten-and-a-half-acre site.
18 The -- there was no subdividing of property. It was
19 the -- the entire site was the subject of the site
20 plan. These two pad sites were just shown as for
21 future development, still part of that lot.

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1 What is before you tonight along with the
2 site plan for Lot Number 3 is the subdivision plan that
3 would subdivide this property into three lots. You
4 would have the remaining approximately
5 eight-and-a-half-acre site of Kohl's. You'd have the
6 proposed Lot Number 2. It is going to be about an acre
7 and a half for future yet undetermined development. It
8 probably is going to be some type of retail service
9 use. And then Lot 3 is going to be -- is a
10 three-quarter-acre site where the proposed Freedom
11 Federal is to go.

12 The stormwater management is, as was said
13 previously during Kohl's, is going to be taken care of
14 under the school site which is immediately to the west
15 of the property.

16 Moving on to the site plan, the Freedom
17 Federal building will be oriented, as you see on the
18 board here, with a drive-through window basically on
19 the south side of the building, again oriented -- it's
20 basically the same orientation. Here (pointing) is 24
21 and Osborne Parkway is down here (pointing). The

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1 driveway on this side will be a two-lane drive-through.
2 The front of the building is facing towards 24. The
3 parking is approximately just a little over 20 spaces,
4 actually less than what was initially thought of for
5 this site.

6 Right now what we're thinking about is
7 about 2500 square feet for a bank use. Before when we
8 did our traffic study it was considered a restaurant
9 use. The -- this will actually generate less trips
10 than a restaurant use. The bank use will be less as
11 far as traffic goes.

12 The -- a portion of the access to 24 is the
13 -- this lot shares that, and then the -- again, the
14 front door is towards 24 and then they have one refuse
15 dumpster in the corner towards the northwest side or
16 the northwest corner.

17 That's about it --

18 MR. SNEE: Okay.

19 MR. SMALL: -- with that unless there's any
20 questions.

21 MR. SNEE: So, what you have on your left

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1 is the proposed subdivision plan subdividing the
 2 ten-and-a-half acres into the three lots. Kohl's would
 3 be on Lot 1, future development on Lot 2, and Freedom
 4 Federal on Lot 3. Then on your right is the proposed
 5 site plan for Freedom Federal on that lot.
 6 So with that, we'd be happy to turn it over
 7 to the audience for any comments or questions you may
 8 have. And again, I'd ask that you just come forward in
 9 the vicinity of the podium and state your name and
 10 address, and we'll be happy to address any concerns you
 11 may have.
 12 DAVID BRZOWSKY: Do I have to come up,
 13 actually?
 14 MS. TURNER: Um-hum.
 15 DAVID BRZOWSKY: My name is Dave Brzowsky.
 16 I reside at 833 Bear Cabin Drive.
 17 Are you subdividing for the purpose of
 18 ownership? In other words, the bank is buying
 19 the parcel?
 20 MR. SNEE: As I understand it -- and
 21 Rose Ann can correct me -- that will be a land lease.

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1 DAVID BRZOWSKY: It's a land lease?
 2 MS. LAMBERT: It's just leased, correct.
 3 DAVID BRZOWSKY: Then -- then why is there
 4 a need to subdivide it then?
 5 MR. SNEE: Harford County Department of
 6 Planning and Zoning Subdivision and Regulations require
 7 that because there would be three users on the same
 8 parcel of property, so the Zoning Code and the
 9 Subdivision Regulations require us to subdivide it to
 10 meet those three independent users.
 11 DAVID BRZOWSKY: And is it the same notion
 12 on this parcel down here (pointing)? Is that a land
 13 lease or that will be a parcel to be sold?
 14 MR. SNEE: Dave, we don't know that yet.
 15 That will depend on the user and then whatever the
 16 owner and the user want to do. It could either be a
 17 sale or a land lease. We simply won't know until a
 18 user comes along.
 19 DAVID BRZOWSKY: So, is there always going
 20 to be a granted right-of-way to these properties off
 21 this parcel, or is it going to in the future have

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1 additional exits, or you can't determine that at this
 2 point?
 3 MR. SNEE: Tory?
 4 MR. PIERCE: It -- that has been
 5 determined, yeah. Your -- to answer your question,
 6 yes, the right-of-way for --
 7 DAVID BRZOWSKY: I understand it now, but
 8 if -- when this is sold --
 9 MR. PIERCE: It's not changing. The
 10 access to Lot 2 will still be fed off of an
 11 ingress-egress easement that's going to be shared
 12 between the lots that is comprised of a loop --
 13 DAVID BRZOWSKY: That's going to be part of
 14 the deed?
 15 MR. PIERCE: -- that's a part of -- that's
 16 going to be part of the plat, that's correct.
 17 DAVID BRZOWSKY: So, there's no future
 18 exits off of 24 for that future sale?
 19 MR. PIERCE: There will not.
 20 DAVID BRZOWSKY: Cannot happen?
 21 MR. PIERCE: Cannot. We won't be able to

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1 get approval from State Highway to do that --
 2 DAVID BRZOWSKY: Okay. And you have no
 3 knowledge --
 4 MR. PIERCE: -- for Osborne or --
 5 DAVID BRZOWSKY: And that's all on the same
 6 B2 property?
 7 MR. SNEE: It's all B2 zoning for the
 8 entire ten-and-a-half acres, so all three lots as
 9 subdivided will be B2.
 10 DAVID BRZOWSKY: Okay. And I take it the
 11 bank will not start until Kohl's is officially in and
 12 up and running?
 13 MR. SNEE: I can't talk about the timing.
 14 Can anybody else?
 15 DAVID BRZOWSKY: Lady from the bank?
 16 MS. LAMBERT: I will. My name is Rose Ann
 17 Lambert. I'm the C.E.O. of Freedom Federal Credit
 18 Union. Our ability -- for our members, our customers,
 19 if you will, from what I understand, because the Kohl's
 20 development really kind of drives everything, we will
 21 probably have to follow their lead because even though

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1 we might be able to complete our building, if they or
 2 the landlord is in control of the traffic and the
 3 pavement and what have you --
 4 DAVID BRZOWSKY: Right. You need their
 5 parking lot to get in and out.
 6 MS. LAMBERT: -- our people would not --
 7 our members, our customers wouldn't be able to come in
 8 and get their accounts serviced and what have you. So,
 9 that's yet to be determined if that is going to be held
 10 up. If it -- if something happened ahead of time with
 11 the condition of the roadways, we could conceivably
 12 maybe open in the early -- you know how construction
 13 can be --
 14 DAVID BRZOWSKY: Right.
 15 MS. LAMBERT: -- in possibly the first
 16 quarter. But if the other development delays that and
 17 our members couldn't have easy access, road conditions,
 18 and what have you, we would not be able to open. So,
 19 it would be pushed off into a general use.
 20 DAVID BRZOWSKY: The only other question is
 21 not knowing because of the economy when Kohl's is

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1 actually going to shovel and do this nine months'
 2 construction, if they take two years to do this project
 3 and the bank chooses not to wait two years, is this
 4 site then going to be rezoned for something other --
 5 other use than the bank?
 6 MR. SNEE: No, it will not be rezoned, but
 7 let's assume for whatever reason --
 8 DAVID BRZOWSKY: The bank bails out --
 9 MR. SNEE: -- Freedom Federal --
 10 DAVID BRZOWSKY: -- and it's taking so
 11 long --
 12 THE COURT REPORTER: Excuse me, sir. If
 13 you can let him finish.
 14 Go ahead, Mr. Snee.
 15 MR. SNEE: If for some reason Freedom
 16 Federal does not come to fruition --
 17 DAVID BRZOWSKY: Right.
 18 MR. SNEE: -- and another user approaches
 19 the owner, it will be a B2 user.
 20 DAVID BRZOWSKY: Okay. Okay, thank you.
 21 MR. SNEE: Thank you.

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1 (Hand raised.)
 2 MR. SNEE: Bob?
 3 BOB TITELMAN: Bob Titelman, 1941 Medallion
 4 Drive in Forest Lakes.
 5 Why was there a change, Joe? Because the
 6 original setup was the same thing where there was two
 7 pad sites and it was set up as one -- you know, one
 8 development, as I understand it, originally. It wasn't
 9 three different sites as it is now. Why was it changed
 10 with the same setup as it originally was?
 11 MR. SNEE: What we showed, Bob, was the
 12 ten-and-a-half acres with Kohl's and we showed for the
 13 community future pad sites, okay, future development at
 14 the location right now of Lot 2 and Lot 3.
 15 BOB TITELMAN: Right.
 16 MR. SNEE: We just simply wanted to alert
 17 you that Kohl's would not be the only user of the
 18 property, that in the future we'd anticipated a pad
 19 here (pointing) and here (pointing). So, it hasn't
 20 changed in that, you know, we've always shown three
 21 prospective users. At this point in time with an

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1 actual user, now we have to go through the subdivision
 2 process.
 3 BOB TITELMAN: Oh, so you couldn't have
 4 someone on there without going through that process?
 5 MR. SNEE: Correct. So, it's a two-step
 6 process: Subdivide Lot 3 and then site plan approval
 7 for Lot 3 --
 8 BOB TITELMAN: Okay.
 9 MR. SNEE: -- and then they go through the
 10 system simultaneously.
 11 BOB TITELMAN: All right. Okay, thank you.
 12 MR. SNEE: Sure.
 13 DAVID BRZOWSKY: I just have one more
 14 question.
 15 MR. SNEE: Go ahead, Dave. Just -- Dave,
 16 again, state your name.
 17 DAVID BRZOWSKY: Dave Brzowsky.
 18 The other question I have is we have not
 19 yet had a DAC meeting on Kohl's. Now, does the County
 20 require a DAC meeting of each one of these properties
 21 as they arise?

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1 MR. SNEE: Yes.
 2 DAVID BRZOWSKY: Okay. That's fine. Thank
 3 you.
 4 RICH PFINGSTEN: I'm Rich Pfingsten,
 5 2103 Brandy Drive.
 6 My questions are about the site -- site
 7 design and stormwater management. You've got a lot of
 8 impervious surface going on out here. And I don't
 9 know, Tory, if the -- I guess the plat says that it --
 10 it seemed to be linked into the stormwater pond down at
 11 the school. For the stormwater pond not being -- being
 12 built for the current stormwater management regulations
 13 with this new site development, do you need to do any
 14 retrofit to that pond? And if possible can the design
 15 include some onsite treatment in the landscape areas?
 16 MR. PIERCE: The plans do show now a
 17 retrofit of that existing pond to provide --
 18 MR. SNEE: Tory, excuse me. If you would
 19 stand up so we can hear everything here.
 20 THE COURT REPORTER: Thank you.
 21 MR. PIERCE: We are -- we are in the middle

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1 of preparing construction plans to retrofit the
 2 existing pond on the school property to meet the
 3 current stormwater management guidelines. So, that is
 4 the plan.
 5 RICH PFINGSTEN: Is that -- is that going
 6 to be resizing of it, making it bigger, or is it
 7 just --
 8 MR. PIERCE: It's -- that's -- it's taking
 9 the bottom of that stormwater management pond and
 10 adding a filter system in the bottom of that pond.
 11 Actually, it has one now but for a smaller volume of
 12 water. So, we're going to be enlarging the filter that
 13 exists in the bottom of the pond on the school
 14 property. The pond itself was sized large enough for
 15 the runoff from this ten acres of property already, and
 16 that hasn't changed.
 17 RICH PFINGSTEN: Is there any consideration
 18 of not using curbing gutter in some areas and allowing
 19 for some onsite bio-retention or rain garden type
 20 facility just for cooling of the water and filtration
 21 and anything else?

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1 MR. PIERCE: There hasn't been any of that,
 2 but the only thing that has happened is a reduction in
 3 impervious area in the buffer that's being created
 4 along Osborne Parkway, and I think we have a smaller
 5 amount of impervious area than was originally planned
 6 for, total. That's the only change.
 7 RICH PFINGSTEN: The new change to the Code
 8 doesn't push for -- for that in new development, the
 9 onsite water quality? I haven't read the whole Code.
 10 MR. PIERCE: It --
 11 MR. SNEE: Tory --
 12 MR. PIERCE: Right now, no, it does not.
 13 Okay? All right. There's going to be -- the process
 14 is actually evolving. I'm hearing that the State is
 15 going to be passing and asking for that opportunity to
 16 be investigated on every project going forward. So, I
 17 mean, if that happens here, that's what we'll do here.
 18 RICH PFINGSTEN: All right.
 19 TRICIA SMITH: Tricia Smith, 214 Woodbine
 20 Court.
 21 With Kohl's I think it was a 65-year lease.

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1 MR. SNEE: Let me stand over here so --
 2 TRICIA SMITH: Okay. And I'm curious what
 3 the bank's time frame of the lease is.
 4 MS. LAMBERT: I don't -- you know, I -- we
 5 actually -- well, I can have it in the lease agreement.
 6 We typically do ours on a -- like to renew like every
 7 10 years or 20 years. So, we don't have to stay if,
 8 you know, the -- you know, for some reason we want or
 9 need to move or whatever, we're not in there forever.
 10 We don't have to be in there forever. We negotiate
 11 each land lease.
 12 TRICIA SMITH: But in the past --
 13 MS. LAMBERT: We're there for a
 14 considerable long period of time.
 15 TRICIA SMITH: That's my concern is that
 16 with the economy and with how many banks we have in a
 17 one-mile strip along 24 already --
 18 DAVID BRZOWSKY: Um-hum.
 19 TRICIA SMITH: -- excuse me -- what happens
 20 to those properties when these companies either fold up
 21 or, you know, can't handle or don't get the business

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1 they're expecting or whatever, what are we left with?
 2 MR. SNEE: Well, the answer to that is with
 3 a land lease the underlying ground is owned by the
 4 property owner. The lease goes to the, in this case,
 5 Freedom Federal. At the end of the lease, whatever it
 6 is, the natural duration or an earlier termination, the
 7 improvements revert back to the landlord, and then the
 8 landlord owns the building and the land and then can
 9 re-lease it, sell it, whatever they deem appropriate.
 10 TRICIA SMITH: Um-hum.
 11 RICH PFINGSTEN: If I can add something
 12 to my statement.
 13 MR. SNEE: If you could stand up, please.
 14 RICH PFINGSTEN: Rich Pfingsten again.
 15 Although the Code I know doesn't require
 16 the bio-retention and all at this point and all, is
 17 there a possibility that that can be looked at a cost
 18 benefit analysis and see if -- as you're doing the
 19 engineering to see if there's a good opportunity to do
 20 that? Because it could -- it could allow for being a
 21 real good steward to the neighborhood, you know, to

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1 show some sort of experimental -- not really even
 2 experimental anymore, but a new technology out there,
 3 and it could be an educational opportunity for the
 4 school. So, is there any chance that in the process --
 5 at least putting this on record that in the process
 6 that that could be evaluated as opportunities for --
 7 for not just this site but all sites out there?
 8 MR. PIERCE: I would say if you have ideas
 9 or something you would like to propose, it certainly
 10 would be looked at. We could discuss it with our
 11 clients at the bank or with the -- with the owners of
 12 the property.
 13 MR. SMALL: We've also added landscaping
 14 for the existing pond and, uh --
 15 MR. SNEE: Kevin, you've got to stand up.
 16 THE COURT REPORTER: Yes, please.
 17 MR. SMALL: (Complies.)
 18 THE COURT REPORTER: Thank you.
 19 MR. SMALL: We've also added landscaping to
 20 the existing pond in an effort to be -- trying some
 21 variety of species to be able to get some of the

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1 educational opportunities in the school.
 2 MS. LAMBERT: (Looking at document.) If I
 3 could add -- I found it. There's a lot to this. It
 4 is -- it does run 40 years. We have five-year renewal
 5 options.
 6 RICH PFINGSTEN: Um-hum.
 7 MS. LAMBERT: But we are locally owned here
 8 by our members, so the reason we're coming to Forest
 9 Hill is because a lot of our customers live here and
 10 they don't want to travel to Bel Air. As you well
 11 know, the traffic issues -- so, that's the reason we're
 12 coming. It's not to look for future opportunity.
 13 We're really coming to service our members, and we have
 14 over 28,000 members and they're all in Harford County.
 15 We only operate within Harford County.
 16 TRICIA SMITH: Thank you.
 17 MR. SNEE: Anyone else?
 18 BOB TITELMAN: Bob Titelman, 1941 Medallion
 19 again.
 20 Joe, what's the next procedure in regard to
 21 the community's input as to the look of the building,

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1 the style of the building, how they're going to impact
 2 the community as far as -- do we have any input as to
 3 how the building is going to look?
 4 MR. SNEE: Tory?
 5 MR. PIERCE: As it stands right now
 6 according to the law --
 7 BOB TITELMAN: Is --
 8 MR. PIERCE: -- there is no ability for the
 9 community to provide that input. However, if Freedom
 10 Federal wants to share their plans with the community
 11 we can certainly come back and do that with you.
 12 BOB TITELMAN: Because at the DAC meeting
 13 originally the proposal you had for Kohl's was pretty
 14 unattractive, you know, and it would definitely be --
 15 you know, it's bad enough having a big retail store in
 16 the beginning of your community, but if it's not going
 17 to be attractive, it makes it even worse, you know.
 18 And I mean, as far as Freedom Federal is
 19 concerned, I mean, your building on 924 is beautiful,
 20 you know. I mean, that -- that -- but -- you know,
 21 because you have space in there. My hope is that your

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1 building there would look something like that because
2 that would be a plus for the community. But I'm -- you
3 know, I'm concerned. I've seen some attractive Kohl's
4 stores and I've seen some unattractive Kohl's stores.
5 And, you know, I'm a little bit concerned in how that's
6 going to look. I mean, that's the entrance to our
7 community.

8 So, you know, I think we, you know -- again
9 like you said, maybe legally we have no right, but I
10 think it would be -- you know, somehow if the community
11 could be involved in at least talking about that, you
12 know, we'd appreciate that.

13 MR. SNEE: Bob, to follow up what Tory said
14 with respect to this gentleman's comments on the
15 stormwater, if there's a Kohl's that you found
16 attractive, get it to me. I will be happy to share it
17 with the owners.

18 BOB TITELMAN: Um-hum. Okay.

19 MS. LAMBERT: If I could add on behalf of
20 Freedom one of the things that I discussed with our
21 designers, our architects are very adamant about that

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1 the structure has to fit into the community. It has to
2 coincide. It has to be friendly. And one of our
3 visions -- part of our vision is to be a good neighbor
4 wherever we are, so I don't want anything outlandish.
5 I want materials and structure that coincide in a very
6 traditional way with Forest Hill. So, I want it to fit
7 in. I don't want it to stand out and be some sort of
8 an eyesore for the community.

9 BOB TITELMAN: I'm sure as a member of the
10 community we would appreciate that. You know, this is
11 a -- you know, a lot is involved with this as far as
12 like, you know, retaining the look of our community --

13 MS. LAMBERT: Correct.

14 BOB TITELMAN: -- and the value of our
15 properties and everything like that.

16 MR. PIERCE: Just one other point. The
17 owners of the property have developed architectural
18 standards to help guide Freedom Federal in their
19 design. And the intent is also so that the remaining
20 undeveloped lot also follows that theme, and then the
21 buildings will complement themselves as well as the

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1 building across Osborne Parkway and the rest of the --

2 BOB TITELMAN: I mean, the original -- the
3 original design of the village concept that they had
4 was -- was very nice. And I think the community in
5 general was very favorable on that, but what we saw at
6 that DAC meeting was, you know, not anything like that.
7 I didn't have the character or the style that that had,
8 so I don't know if they intended to try to make it look
9 similar to that, although it's a very different type of
10 building, you know, being a box building. But, you
11 know, if there is some way we could have some input I'm
12 sure we'd all appreciate that, but -- okay.

13 (Hand raised.)

14 MR. SNEE: Yes, ma'am?

15 DEBBIE PINEDA: I'm Debbie Pineda,
16 2023 Brandy Drive.

17 I just would like an update on the --

18 MR. SNEE: Debbie, can you spell your last
19 name for the --

20 DEBBIE PINEDA: P-I-N-E-D-A.

21 MR. SNEE: Okay.

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1 DEBBIE PINEDA: I was part of the original
2 group for No Kohl's In Forest Hill and still very much
3 part of that and adamant against the Kohl's coming, for
4 the record. But I would like an update on what's
5 happening with the construction with Kohl's. You mean
6 -- you're -- you were saying to Bob just a few moments
7 ago if you know of a Kohl's that is esthetically nice
8 for our neighborhood, perhaps you could give that --
9 those plans to us. So, that tells me that Kohl's has
10 not really made a definite plan on exactly how their
11 building's going to look at this point, so --

12 MR. SNEE: I'll turn it over to Tory and
13 Kevin since they are the engineers for Kohl's, as well.

14 DEBBIE PINEDA: And is there -- has there
15 been any starting date for construction? I know the
16 roads have to be taken care of first, so -- I would
17 assume.

18 MR. PIERCE: The current --

19 DEBBIE PINEDA: And one more point.

20 MR. PIERCE: Oh.

21 DEBBIE PINEDA: I would for the record ask

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1 that the next time you have a meeting that you could
 2 certainly take into consideration working people and
 3 have it around 7:00, 7:30. Thank you.

4 MR. PIERCE: I'll try to answer all of the
 5 questions that were raised here to me. The schedule
 6 for the Kohl's right now is the store is to open in the
 7 fall of 2010. All right. The design of the -- the
 8 infrastructure, the parking lot and the road
 9 improvements and the utilities is slated to get a
 10 grading permit in July. So, they are coming down to
 11 the eleventh hour in terms of design. We have not seen
 12 final architectural plans from Kohl's, so we are -- at
 13 the moment, so if there is issues that need to be
 14 raised with those, they can be addressed right now
 15 before they go file for a building permit this summer
 16 if they choose to move forward this summer. Right now
 17 that is the latest schedule.

18 And absolutely we'll schedule the next
 19 meeting at 7 o'clock.
 20 (Hand raised.)
 21 DAVID BRZOWSKY: That's the time of the DAC

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1 meeting.

2 I have one more question. When --
 3 MR. SNEE: Well, this lady's been trying
 4 over here.

5 JOANNE WEISS: You may not be able to
 6 answer this.

7 MR. SNEE: Can you --
 8 JOANNE WEISS: My name is JoAnne Weiss,
 9 W-E-I-S-S. I'm at 219 Woodbine Court in Forest Lakes.
 10 A month or so ago we received in the mail
 11 information so -- saying -- stating what has to be done
 12 in upgrades to the roadways. And one of them was
 13 Grafton Shop at 23. And I was curious as to why that
 14 would need to be done. Does that mean trucks are going
 15 to come down Osborne Parkway from Grafton Shop Road?
 16 That's my concern.

17 MR. PIERCE: We wonder those same -- we
 18 wonder about those same requirements as they come up
 19 when we're working on projects. What the County is
 20 doing when we develop a site is analyzing road
 21 intersections typically within two miles of the

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1 project. And they identify that intersection as a
 2 current failing intersection based on the existing
 3 traffic.

4 JOANNE WEISS: Yeah.

5 MR. PIERCE: And the way the development
 6 regulations are set up, if you have a current failing
 7 condition at an existing intersection, you have to
 8 mitigate impacts to it. So, we may have added a few
 9 cars of people that might live up Grafton Shop that are
 10 going to come to the Kohl's site or the -- or the
 11 center here --

12 JOANNE WEISS: Or across 23.

13 MR. PIERCE: -- and just -- and those
 14 couple of cars are why --

15 JOANNE WEISS: Oh, okay.

16 MR. PIERCE: -- we're having to do
 17 improvements to that intersection.

18 JOANNE WEISS: And you may not know this,
 19 but do we know what the lease is at the Kohl's in
 20 Bel Air? Like -- because I have another concern is
 21 that the Kohl's in Bel Air is going to close and

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1 that -- because Klein's owns that property, so --

2 MR. PIERCE: Actually, the Kleins do not
 3 own that property.

4 JOANNE WEISS: They do not own it?

5 MR. PIERCE: No.

6 JOANNE WEISS: They don't own the, um --

7 MR. PIERCE: No, they're a tenant in that
 8 shopping center.

9 JOANNE WEISS: They are?

10 MR. PIERCE: Yes.

11 JOANNE WEISS: Okay. Because we -- I --
 12 then I was misinformed. I had been told that they
 13 owned all of that whole parcel of property. Okay. So,
 14 we -- I just was curious --

15 TRICIA SMITH: When is the -- when is --

16 JOANNE WEISS: Do we know if they have a
 17 lease?

18 TRICIA SMITH: Are we going to be
 19 getting --

20 MR. PIERCE: I don't know anything about --

21 JOANNE WEISS: Because Kohl's is within

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1 7 miles --
 2 MR. PIERCE: I don't know the Kohl's
 3 relationship to the center.
 4 JOANNE WEISS: Okay. All right.
 5 MR. PIERCE: But I do remember -- I think
 6 they stayed -- their plan was not to close that store
 7 with the opening of this store.
 8 JOANNE WEISS: It's just so close I just
 9 was concerned that they're going to close and
 10 everyone's going to be coming -- coming into Forest
 11 Hill. Because it will be a two-story Kohl's. Am I
 12 correct in that it's not a one-story; it's going to be
 13 a two-story?
 14 MR. PIERCE: That's correct.
 15 JOANNE WEISS: Pretty high.
 16 MR. PIERCE: Okay.
 17 JOANNE WEISS: Thank you.
 18 (Hand raised.)
 19 MR. PIERCE: Yes, ma'am?
 20 DIANE HARLOW: Diane Harlow, 1103 Osborne
 21 Parkway.

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1 I'm just curious, first of all. You keep
 2 saying "the owners." Are the Kleins still the owners?
 3 MR. SNEE: Yes.
 4 DIANE HARLOW: Okay. I just wanted to
 5 get -- because I'm -- usually somebody's here, and I
 6 don't see the Kleins, so that's unusual.
 7 Also in the plan that was approved by the
 8 Zoning Board I think it said sometimes -- like you're
 9 saying now that it's a requirement that it's
 10 subdivided? Did I understand that correctly?
 11 MR. SNEE: For these (pointing) --
 12 DIANE HARLOW: Um-hum.
 13 MR. SNEE: -- two pad sites we need to go
 14 through the subdivision process.
 15 DIANE HARLOW: But I think in the zoning
 16 approval plan it actually says if it's subdivided even
 17 though we know there were pad sites listed, it says if
 18 it's subdivided or if it's not subdivided. Because
 19 they were talking about something about connecting the
 20 water here (pointing) along the thing like, you know,
 21 whether this pad site took -- they're going to have to

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1 do the water thing somewhere where they would connect
 2 with water, because there's only like one water --
 3 MR. PIERCE: I think I might be able to
 4 answer --
 5 DIANE HARLOW: -- thing.
 6 MR. PIERCE: -- your question.
 7 DIANE HARLOW: Can you help me with that?
 8 MR. PIERCE: Yeah. If a property is not
 9 subdivided, the County would limit you to one water
 10 service and one meter to service it. If it is
 11 subdivided, then they're going to want separate
 12 services and separate meters for each separate line.
 13 So I think that's what you're referring to with the
 14 comments that were raised in that respect.
 15 DIANE HARLOW: I guess where I'm confused
 16 is knowing you have three pad sites, you know, that's
 17 how it was always drawn, why isn't it subdivided right
 18 from the beginning? I don't even -- I just can't even
 19 understand that. So if somebody could tell me, I
 20 just --
 21 MR. SNEE: Well, the simple answer is until

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1 you know who your users are and what their land area
 2 demands are you don't want to prematurely subdivide
 3 property. In other words, if this (pointing) user
 4 said, I don't want all this land here (pointing); I
 5 want to be up here (pointing), we would have to then go
 6 back and resubdivide to make it a larger lot. So --
 7 DIANE HARLOW: But this lot -- excuse me;
 8 I'm sorry.
 9 MR. SNEE: No, that's okay.
 10 DIANE HARLOW: This lot has always been
 11 advertised as a 2500-square-foot lot and this lot has
 12 always been advertised on Mr. -- whatever his name
 13 is -- website as a like ten --
 14 MR. PIERCE: Ten thousand, right.
 15 DIANE HARLOW: -- or
 16 eleven-thousand-square-foot -- so, it's always been
 17 advertised, you know, so, it's -- that's what we've
 18 been taught from the very -- you know, told from the
 19 very beginning.
 20 MR. SNEE: Well, from the very beginning we
 21 wanted the community to know that the ten-acre site

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1 would be for more than one use.
 2 DIANE HARLOW: Okay.
 3 MR. SNEE: So we said, in an abundance of
 4 caution we are going to let everybody know up front
 5 that this (pointing) corner will be developed and this
 6 (pointing) corner will be developed.
 7 DIANE HARLOW: Okay.
 8 MR. SNEE: But when you don't know who the
 9 users are, you're not going to go through the
 10 subdivision process prematurely.
 11 DIANE HARLOW: Okay. And here's my other
 12 question. Why since everybody uses the same entrance
 13 and exits, the same light, and this building (pointing)
 14 is over 20,000 square feet, why isn't this -- why
 15 doesn't this have to be an I.C.S.C.?
 16 MR. SNEE: It's three separate uses. One,
 17 two, three (pointing) on three separate lots.
 18 DIANE HARLOW: Is that why it's being
 19 subdivided? Because to me, they're all sharing the
 20 same -- you know, they're all -- they're all coming in
 21 the same way; they're all going out the same way;

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1 they're all using the same lights; they're all sharing
 2 the parking. I mean, these people are going to be
 3 parking up here (pointing), you know. If the bank has
 4 too many customers they're going to be using some of
 5 this parking.
 6 You know, it just sort of seems to me it
 7 should be an I.C.S.C. So I just am a little confused
 8 as to how that doesn't -- it seems like it qualifies
 9 for an I.C.S.C.
 10 MR. SNEE: Well, the Integrated Community
 11 Shopping Center guidelines are in the Zoning Code and
 12 they were in effect when we attempted to develop this
 13 as an Integrated Community Shopping Center. That was
 14 the first plan that the community saw.
 15 DIANE HARLOW: Exactly.
 16 MR. SNEE: However, the I.C.S.C. is not
 17 applicable to independent pad sites that are
 18 subdivided -- this is considered a separate site; this
 19 is considered a separate site; and this (pointing) is
 20 considered a separate site -- so that they do not fall
 21 within the purview of the I.C.S.C. guidelines.

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1 DIANE HARLOW: Oh, because I think where
 2 Klein's is -- I think they asked for a -- to turn their
 3 shopping center into an I.C.S.C. where Klein's is, if
 4 I'm not mistaken looking back at the records, the
 5 whatever it's called, the records on line, they
 6 actually asked -- and where Klein's is, that's a
 7 shopping center. The bank is a shopping center. Do
 8 you know what I'm saying?
 9 So, I -- I'm really -- somehow I just think
 10 we're being hoodwinked here again. Okay. I'm sorry.
 11 This is my opinion. So, I'm just asking so I make sure
 12 everything's out so that when we go to the DAC and we
 13 go in front of the Council we really know we've asked
 14 all the questions. Because I think sometimes we don't
 15 ask enough questions.
 16 MR. SNEE: Okay.
 17 DIANE HARLOW: Thank you.
 18 RICH PFINGSTEN: Rich Pfingsten again.
 19 I'm just wondering why -- what advantage
 20 there is to it being an I.C.S.C., what -- what
 21 advantage you see --

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1 DIANE HARLOW: Well, it has to go --
 2 RICH PFINGSTEN: -- to it being that.
 3 DIANE HARLOW: It's going to have to go
 4 back in front of the Zoning again. That's why I'm
 5 asking.
 6 DAVID BRZOWSKY: Dave Brzowsky again.
 7 Uh --
 8 THE COURT REPORTER: If you could stand up,
 9 please, so I can hear you.
 10 DAVID BRZOWSKY: (Complies.)
 11 THE COURT REPORTER: Thank you.
 12 DAVID BRZOWSKY: I believe that what --
 13 maybe what she's trying to get at, because these are
 14 now subdivided, this is now a sellable parcel.
 15 DIANE HARLOW: Right.
 16 DAVID BRZOWSKY: So the Kleins can in the
 17 future sell this at any given time using this access to
 18 the current or new owner. So there's really no way in
 19 the future that anybody knows what that will be once
 20 it's sold --
 21 DIANE HARLOW: Right.

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1 DAVID BRZOWSKY: -- including the bank
 2 site because if the parcel can be sold, if the bank
 3 bails out it could be whoever wants to buy that parcel,
 4 that same -- so I think maybe that's --
 5 DIANE HARLOW: That's --
 6 DAVID BRZOWSKY: -- that's the reason
 7 they're subdividing it. It's not to benefit anybody
 8 other than --
 9 DIANE HARLOW: Right.
 10 DAVID BRZOWSKY: -- the landlord's benefit.
 11 If this could technically get enough money to pay for
 12 the whole project -- initially it was 5 million bucks.
 13 Is there a time -- is there a time period where this
 14 drawing -- construction's not started within two years?
 15 I think the County Charter -- do we have to go through
 16 this again? Do they have a time period to get started?
 17 MR. PIERCE: Um-hum.
 18 DAVID BRZOWSKY: And what is that time
 19 period?
 20 MR. PIERCE: The time period from the --
 21 DAVID BRZOWSKY: Two years?

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1 MR. PIERCE: It's two years --
 2 DAVID BRZOWSKY: A year?
 3 MR. PIERCE: -- two years from when you
 4 receive your site development plan approval.
 5 DAVID BRZOWSKY: Which plan?
 6 MR. PIERCE: You have two years to obtain a
 7 building permit.
 8 DAVID BRZOWSKY: From which plan, though?
 9 DIANE HARLOW: Yeah.
 10 MR. PIERCE: I'm sorry?
 11 DAVID BRZOWSKY: From which plan are we
 12 going to?
 13 MR. PIERCE: I still don't understand your
 14 question.
 15 MR. SMALL: The site plan.
 16 DAVID BRZOWSKY: This site plan? This
 17 current site plan?
 18 MR. PIERCE: The site --
 19 MR. SMALL: No, it's a --
 20 MR. PIERCE: The --
 21 MR. SMALL: The site plan that was approved

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1 to start Kohl's.
 2 MR. PIERCE: If you want to talk about
 3 Kohl's --
 4 DAVID BRZOWSKY: Kohl's.
 5 MR. PIERCE: -- the site plan was approved,
 6 I don't know, a while ago.
 7 DAVID BRZOWSKY: Months? It would be --
 8 MR. PIERCE: Yeah, what's the -- here, we
 9 have a copy of it here. In October --
 10 MR. SNEE: October of '08.
 11 MR. PIERCE: Their plan was approved in
 12 October last year, so if -- they need to pull a
 13 building permit by October 2010.
 14 DAVID BRZOWSKY: Now, a building permit or
 15 a grading permit?
 16 MR. PIERCE: It's a building permit.
 17 DAVID BRZOWSKY: All right. So, if the
 18 grading's done and everything's done, but the
 19 building's not there within two years of permits
 20 pulled, the community -- we all go through this again?
 21 MR. PIERCE: Potentially, right. Now, they

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1 can also pull the building permit and then --
 2 DAVID BRZOWSKY: It's not going --
 3 MR. PIERCE: -- they can choose not to
 4 build this --
 5 DAVID BRZOWSKY: The building's --
 6 MR. PIERCE: -- for a while. And then the
 7 building permits are typically good for one year.
 8 DAVID BRZOWSKY: One year?
 9 MR. PIERCE: But they do give you an
 10 extension. You know, you might be able to get it to
 11 two years, so --
 12 DAVID BRZOWSKY: It's for --
 13 MR. PIERCE: -- probably as far as it could
 14 go out would be about four years.
 15 DAVID BRZOWSKY: The only other curiosity I
 16 might have while this -- once all this is started and
 17 we don't settle this and there is no future tenant,
 18 what are the Kleins' intentions for maintaining that
 19 since it won't be asphalt? Because there's no
 20 knowledge of what it's going to be. How are they going
 21 to go -- shrubbery, trees -- but are they going to be

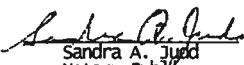
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1 required to seed it and mow it? Do you know what they
 2 intend to do with that parcel?
 3 MR. SMALL: To seed --
 4 MR. PIERCE: Is it being disturbed with --
 5 I mean, other than the entrance here, is it being
 6 disturbed here with the development rights, so it would
 7 just be reseeded and maintained in a lawn --
 8 DAVID BRZOWSKY: Fashion?
 9 MR. PIERCE: -- condition.
 10 DAVID BRZOWSKY: Now, all this is now
 11 locked in by the County? We've already had all our DAC
 12 meetings and all that? We have not yet, have we?
 13 MR. PIERCE: Well, we have for the Kohl's,
 14 but we have -- we have not yet --
 15 DAVID BRZOWSKY: It's --
 16 MR. PIERCE: -- for Freedom Federal.
 17 DAVID BRZOWSKY: Thank you.
 18 MR. SNEE: Anyone else?
 19 (No hands raised.)
 20 MR. SNEE: Okay. Well, thank you all for
 21 coming tonight again. If you have any questions my

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1 number is (410) 893-7500. We should have plans
 2 available to take with you. And we thank you for
 3 coming out tonight.
 4 MR. SMALL: The plan is also on the website
 5 for Harford County Government.
 6 (Community Input Meeting concluded at
 7 6:50 p.m.)
 8
 9
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1 State of Maryland
 2 County of Harford, to wit:
 3
 4 I, Sandra A. Judd, a Notary Public of the
 5 State of Maryland, County of Harford, do hereby certify
 6 that the within-named proceedings took place before me
 7 at the time and place herein set out.
 8 I further certify that the proceedings were
 9 recorded stenographically by me and this transcript is
 10 a true record of the proceedings.
 11 I further certify that I am not of counsel
 12 to any of the parties, nor an employee of counsel, nor
 13 related to any of the parties, nor in any way
 14 interested in the outcome of this action.
 15 As witness my hand and notarial seal this
 16 18th day of May, 2009.
 17
 18 
 19 Sandra A. Judd
 Notary Public
 20 My Commission Expires:
 21 August 1, 2009

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11 [1] 2/4	addition [2] 4/14 6/6	as [39] 4/8 6/20 7/12 7/17 8/10 8/11 9/20 12/8 15/7 15/8 15/9 15/10 16/21 21/18 22/6 23/10 23/21 24/2 24/2 24/2 24/5 24/18 24/18 26/9 26/11 26/11 26/21 26/21 28/13 30/13 30/18 31/1 36/11 36/13 38/8 38/13 44/13 44/13 47/15
11 South [1] 3/5	additional [1] 11/1	ask [4] 5/10 9/8 28/21 39/15
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15th [1] 5/5	adjoining [1] 4/6	asphalt [1] 44/19
17th [2] 4/19 5/6	advantage [2] 39/19 39/21	Assessments [1] 4/7
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2	advertised [3] 36/11 36/12 36/17	associated [1] 6/11
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20,000 [1] 37/14	Aegis [2] 5/2 5/4	assume [2] 14/7 28/17
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2023 Brandy [1] 27/16	against [1] 28/3	attractive [3] 24/17 25/3 25/16
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2103 Brandy [1] 17/5	agreement [1] 20/5	August [1] 47/21
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7:00 [1] 29/3	anticipated [1] 15/18	before [4] 7/1 8/7 29/15 47/6
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9	APPEARANCES [1] 2/1	Bel Air [1] 31/20
924 [1] 24/19	applicable [1] 38/17	believe [1] 40/12
A	appreciate [3] 25/12 26/10 27/12	benefit [3] 21/18 41/7 41/10
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absolutely [1] 29/18	approximately [3] 4/20 7/4 8/3	bio-retention [2] 18/19 21/16
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